

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
NETWORK DATA ROOMS, LLC,	:	
Plaintiff,	:	
	:	22 Civ. 2299 (LGS)
-against-	:	
	:	<u>ORDER</u>
SAULREALISM LLC, et al.,	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on August 5, 2022, Defendants submitted the enclosed letter to Chambers via email stating that Plaintiff submitted a falsified email in support of its motion for a preliminary injunction.

WHEREAS, on August 9, 2022, Plaintiff filed a letter response, stating that (i) neither Plaintiff nor its counsel knowingly submitted a falsified document; (ii) it is believed that the falsification was “an ill-conceived attempt by [David Delorge] to make it seem like he was verifying whether Defendant Saul was properly committing his code to NDR’s repository as was required;” (iii) the substance of the falsified document is not material to the pending motion and (iv) Delorge’s testimony was corroborated by Terry Patterson’s -- the independent expert -- findings. It is hereby

ORDERED that Plaintiff shall show cause at an evidentiary hearing on **September 20, 2022, at 2:00 p.m.**, in Courtroom 1106 of the United States District Court for the Southern District of New York at 40 Foley Square, New York, New York, as to why the Court should not impose sanctions up to and including dismissal of this action and a referral to the United States Attorney’s Office for the Southern District of New York for perjury and false statements made to this Court. It is further

ORDERED that Plaintiff shall produce David Delorge and Terry Patterson at the hearing,

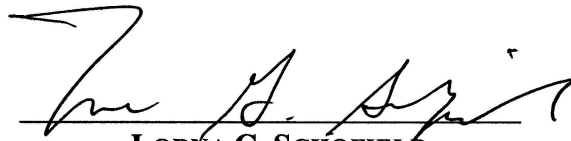
unless Delorge states in an affidavit filed with the Court that he intends to assert his Fifth Amendment right against self-incrimination. Neither counsel shall have any communication with Patterson in advance of the hearing, except to provide him a copy of (i) Defendants' letter dated August 5, 2022; (ii) Plaintiff's response dated August 9, 2022 and (iii) this Order. Patterson must appear live but may do so and testify remotely. In advance of the hearing, the parties shall file memoranda of law addressing whether sanctions should be imposed according to the following schedule:

- By **August 30, 2022**, Plaintiff shall file a memorandum of law not to exceed fifteen (15) pages and an affidavit of a person with personal knowledge as to any factual assertions.
- By **September 13, 2022**, Defendants shall file a response, not to exceed fifteen (15) pages.

It is further

ORDERED that by **August 19, 2022**, Defendants shall file a copy of their letter dated August 5, 2022, on the public docket.

Dated: August 16, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

GOLDBERGER & DUBIN, P.C.

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* MEMBER OF NY BAR
§ MEMBER OF NJ BAR

VIA ECF UNDER SEAL¹

August 5, 2022

Honorable Lorna G. Schofield
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Network Data Rooms, LLC v. Saulrealism LLC et al* (22-cv-02299-LGS)
DR 7-102 [1200.33] [B] (2) Fraud upon a Tribunal

Your Honor:

Please be reminded that Goldberger & Dubin, P.C., represents the defendants in this action, Saulrealism LLC, and Ryan Saul. Defendants submit, without leave of Court, this letter regarding evidence provided to this Court that has been materially falsified. Pursuant to DR 7-102 [B][2], counsel is obligated to reveal the fraud to the tribunal.

On March 25, 2022, Plaintiff filed a motion for a Preliminary Injunction and Temporary Restraining Order [Doc 9]. Included in this filing was an Affidavit Declaration of David Delorge (exhibit #4) and an email offered in support (exhibit #5), which has been appended as Exhibit 1. As the Court is aware, a two-day hearing was held, and David Delorge testified in support of Plaintiff's application. Terry Patterson was appointed as an independent expert and has provided three reports regarding the substance of the motion. The motion is still pending.

Subsequently, Plaintiff has produced emails from David Delorge in response to discovery and inspection demands. The email proffered as exhibit #5 does not exist as it was provided to the Court. There is an email that was the original and then subsequently falsified prior to submission. Exhibit 2 is an email which was marked and produced as Plaintiff's Prod 000345.

There are material alterations that have been made prior to submission of evidence to this Court regarding both dates and branches that are highly relevant to the pending motion.

Specifically, the following material changes have been intentionally altered:

¹ This letter is filed under seal, as it contains information produced by the Plaintiff that was marked "CONFIDENTIAL" pursuant to the parties stipulated Protective Order [Doc 63]. Defendants have no opposition to unseal this letter.

- (1) The dates of the email have been altered from January 16, 2021 to October 19-20, 2021²; and
- (2) Defendant Saul's response to the email regarding branches, changes from "GraphAPILogin" to "Ryan Development."

The remaining characters and even typographical errors are consistent on both emails. As there is clear falsification to the tribunal on a pending motion, counsel is obligated to inform the Court.

Respectfully submitted,

Goldberger & Dubin, P.C.

/s/Renee M. Wong
Renee M. Wong, Esq.
On behalf of Defendants
Of Counsel

² During cross-examination, it was shown that the emails were dated Saturday, October 19, 2021 and Saturday, October 20, 2021. October 19, 2021 was a Tuesday. January 16, 2021 was a Saturday.

Exhibit 1 - Affidavit Declaration of David Delorge (exhibit #4) and an email offered in support (exhibit #5) in Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order [Doc 9]

EXHIBIT A

David Delorge

From: David Delorge
Sent: Tuesday, March 1, 2022 5:55 PM
To: David Delorge
Subject: FW: quick quesrion on source control

From: Ryan Saul <rsaul@dealtable.com>
Sent: Saturday, October 20, 2021 8:44 PM
To: David Delorge <ddelorge@dealtable.onmicrosoft.com>
Subject: Re: quick quesrion on source control Repo & Checkins

New branch under project Ryan Development.
I Just Checked in and it is up to date.

From: David Delorge <ddelorge@dealtable.onmicrosoft.com>
Sent: Saturday, October 19, 2021 5:44 PM
To: Ryan Saul <rsaul@dealtable.com>
Subject: quick quesrion on source control

Hi ya, May I ask where your committing code to?
I was looking through the Projects in Azure Devops- and wondered which project your using?

I am not seeing new check-ins. Can you advise?

Thanks

David J. DeLorge

Chief Cloud Architect
Team Lead

Cell Phone# 571-214-0156

Microsoft CIE TEAMS Trainer
Microsoft Certified Azure Architect
Microsoft Certified Customer Immersion Expierience Instructor
Microsoft Certified AI Engineer
Microsoft Certified Security Engineer
Microsoft Certified Azure Administrator
Microsoft Certified 365 Identity and Services
EHC Certified White Hat Hacker 2019
AWS Certified cloud developer



Microsoft
CERTIFIED
Professional

Microsoft
Partner
Microsoft

Gold Cloud Customer Relationship Management
Gold Cloud Platform



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Exhibit 2 - Email which was marked and produced as
Plaintiff's Prod 000345

David Delorge

From: Ryan Saul
Sent: Saturday, January 16, 2021 9:44 PM
To: David Delorge
Subject: Re: quick quesrion on source control

New branch under project backend_v2. Branch name is GraphAPILogin.

From: David Delorge <ddelorge@dealtable.onmicrosoft.com>
Sent: Saturday, January 16, 2021 9:42 PM
To: Ryan Saul <rsaul@dealtable.com>
Subject: quick quesrion on source control
Hi ya, May I ask where your committing code to?
I was looking through the Projects in Azure Devops- and wondered which project your using?
[Projects - Home \(azure.com\)](#)

Thanks

David J. DeLorge

Chief Cloud Architect
Team Lead

Cell Phone# 571-214-0156

Microsoft CIE TEAMS Trainer
Microsoft Certified Azure Architect
Microsoft Certified Customer Immersion Experience Instructor
Microsoft Certified AI Engineer
Microsoft Certified Security Engineer
Microsoft Certified Azure Administrator
Microsoft Certified 365 Identity and Services
EHC Certified White Hat Hacker 2019
AWS Certified cloud developer



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